

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Shyheem Lee Smith, # 14844-171,) Civil Action No.: 4:12-1454-MGL

Plaintiff,)

vs.)

M. M. Mitchell;)

L. Rosario;)

R. Blocker,)

Defendants.)

ORDER AND OPINION

On August 16, 2012, the Plaintiff, Shyheem Lee Smith (“Plaintiff”), proceeding *pro se*, initiated the instant pro se civil rights Complaint under 28 U.S.C. § 1331 pursuant to the doctrine announced in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). (ECF No. 1.)

On June 1, 2012, this case was transferred to this Court from the District of Kentucky, Eastern Division. (ECF No. 10.)

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Plaintiff’s complaint be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Objections were due by September 13, 2012. Plaintiff has filed no objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*,

718 F.2d 198, 199 (4th Cir.1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby ORDERED that the Magistrate Judge's Report and Recommendation is ACCEPTED and Plaintiff's complaint is DISMISSED.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
September 26, 2012.